

BOARD OF APPEALS CASE NO. 4902

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BEFORE THE

APPLICANT: Kit Murphy

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ZONING HEARING EXAMINER

REQUEST: Variance to construct an
in-ground swimming pool with decking
within the required front yard setback;
2857 Bynum Overlook Drive, Abingdon

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 3/10/99 & 3/17/99

HEARING DATE: May 5, 1999

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Record: 3/12/99 & 3/19/99

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Kit Murphy, appeared before the Hearing Examiner requesting a variance to Section 267-26(C)(4) of the Harford County Code, to construct an in-ground swimming pool and deck within the required front yard setback.

The subject parcel is located at 2857 Bynum Overlook Drive in the First Election District. The parcel is identified as Parcel No. 316, in Grid 4-C, on Tax Map 57. The parcel contains .3125 acres, more or less, all of which is zoned R1.

Mr. Kit Murphy appeared and testified that the subject parcel is improved by a single-family dwelling and an attached two-car garage. The Applicant said that he is requesting a variance to construct an in-ground swimming pool with dimensions of 20 feet by 40 feet. The Applicant said that if the variance is approved, he would maintain a 10 foot front yard setback. Mr. Murphy said that the subject parcel is unique because it is a corner lot located at the intersection of Hookers Mill Road and Bynum Overlook Drive. He said that there are also topographic conditions on the parcel which make the proposed location for the swimming pool the most practical location. The witness said he did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because none of his neighbors appeared and testified in opposition to the request and because there are other in-ground pools have already been approved in the neighborhood.

The Staff Report of the Department of Planning and Zoning recommends conditional approval.

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CONCLUSION:

The Applicant is requesting a variance to construct an in-ground swimming pool and deck within the 40 foot front yard setback. Section 267-26(C)(4) provides:

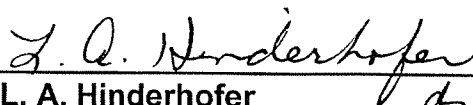
"No accessory use or structure shall be established within the required front yard, except agricultural, signs, fences, walls or parking areas and projections or garages as specified in Section 267-26(C), Exceptions and Modifications to Minimum Yard Requirements."

The uncontradicted testimony of the Applicant was that the subject parcel is a corner lot which must meet two front yard setbacks, thereby reducing the usable area of the parcel. The Applicant also said there are topographic conditions on the parcel and that the only practical location for the pool is as proposed by the Applicant. The Applicant further testified that he did not feel the swimming pool would be detrimental to adjacent properties because there are other pools in the neighborhood and no protestants appeared to testify in opposition to the request.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant in his testimony and, further, that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested variance be approved, subject to the condition that the Applicant obtain all necessary permits and inspections for the swimming pool.

Date MAY 27, 1999



L. A. Hinderhofer
Zoning Hearing Examiner